

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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TERRY J. HENCKEL,

Plaintiff,

Case No. 22-cv-932-pp

v.

KILOLO KIJAKAZI,

Defendant.

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**ORDER DENYING MOTION FOR LEAVE TO PROCEED WITHOUT  
PREPAYMENT OF THE FILING FEE (DKT. NO. 3)**

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The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying his claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. He also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 3.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

Based on the facts in the plaintiff's affidavit, the court concludes that he has the ability to pay the filing fee. The plaintiff indicates that he is not employed, he is not married, and he has no dependents he is responsible for supporting. Dkt. No. 3 at 1. The plaintiff does not list any monthly wages or salary or any other source of income. Id. at 2. The plaintiff's monthly expenses total \$535 (\$375 household expenses, \$90 property taxes, \$70 sewer). Id. at 3-

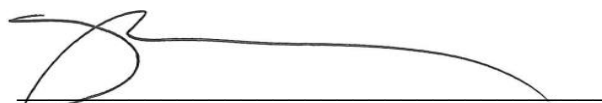
4. The plaintiff owns a 2005 Jeep Wrangler worth approximately \$6,000; he owns his home, with an approximate value of \$77,000, free and clear; and he lists an IRA worth approximately \$180,000 under “other property of value.” Id. at 3-4. Most importantly, the plaintiff has \$38,000 in “cash or checking, savings, or other similar accounts,” id. at 3, which demonstrates that he has the disposable income to pay the \$350 filing fee and \$52 administrative fee.

Because the court concludes that the plaintiff has the ability to pay the filing fee, it need not determine whether the case is frivolous.

The court **DENIES** the plaintiff’s motion for leave to proceed without paying the filing fee. Dkt. No. 3. The court **ORDERS** that the plaintiff shall pay the \$350 filing fee and \$52 administrative fee by the end of the day on **August 31, 2022**. If the court does not receive the fee in full by the end of the day on August 31, 2022, the court will dismiss the case on the following business day without further notice or hearing, for failure to pay the required filing fee.

Dated in Milwaukee, Wisconsin this 17th day of August, 2022.

**BY THE COURT:**



**HON. PAMELA PEPPER**  
**Chief United States District Judge**